

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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|-------------------------|---|-------------------------------|
| DAVE J. PARILLO, et al. | : | |
| | : | CASE NO. 3:14-cv-369 |
| PLAINTIFFS, | : | |
| | : | |
| VS. | : | DISTRICT JUDGE THOMAS M. ROSE |
| | : | |
| WERNER CO., et al. | : | |
| | : | |
| DEFENDANTS. | : | |

STIPULATION
MOTION IN LIMINE REGARDING TREATING PHYSICIANS

Now come the parties, by and through counsel, and hereby stipulate and agree to the following with regard to Defendant’s Motion in Limine for Plaintiffs’ Treating Physicians (Doc #76).

The parties agree that Defendant’s Motion shall be granted and Plaintiff’s treating physician shall not be permitted to serve as expert witnesses in this case. The medical providers of Plaintiff namely: Keith Boor, M.D., Leo Boggs, M.D., and Richard C. Stuntz, M.D., are identified as “fact witnesses” and did not provide the requisite disclosures pursuant to Fed.R. 26(a)(2)(B) or (C). Accordingly, the testimony of Plaintiff’s treating physicians shall be limited to the treatment they provided to Plaintiff Dave Parillo.

These witnesses are not expert witnesses and shall not offer any testimony, opinions or conclusions related to diagnosis, prognosis, causation and/or permanency of any injuries alleged by Dave Parillo. These fact witnesses shall not offer opinions and/or conclusions as to the reasonableness, necessity and relatedness of medical procedure or technique regarding the Plaintiff’s alleged injuries

In addition, these fact witnesses shall not offer any testimony or opinion related to a diagnosis, opinion or conclusion made by another physician regardless of whether said opinion or conclusion appears in the medical records. Lastly, these witnesses shall not offer any testimony or opinions to a reasonable degree of medical certainty.

Respectfully submitted,

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